REMARKS

Claims 8, 13-16, 21, and 22 have been canceled.

Claims 9-12 and 16 have been rejected under 35 U.S.C. §112 as being indefinite. In this regard, Claim 9 has been amended to recite "generating a marginally qualified recommendation" rather than "generating a provisional recommendation." A marginally qualified recommendation is described at least in the paragraph beginning on Page 6, line 26 of Applicants' specification. Claim 10 has been amended to correct an inconsistency between Claim 10 and Applicants' specification. Examiner asserts that the phrase "estimated debt payments" in Claim 10 renders the claim indefinite because the specification fails to list a criteria or a specific method for the "estimated debt payments." However, "estimated debt payments" is a term of the art, and a person of ordinary skill in the art would understand what the phrase "estimated debt payments" refers to and any number of methods of determining "estimated debt payments." "Breadth of a claim is not to be equated with indefiniteness." MPEP §2173.04. Claim 11 is not indefinite for at least the same reason that Claim 10 is not indefinite. Claim 12 has been amended to recite the definition of the variables in the relationship defined in Claim 12 and, accordingly, is not indefinite. Claim 16 has been incorporated into Claim 1. Furthermore, Applicants' specification has been amended to clarify the definition of the variable p. No new matter has been introduced by these amendments.

Claims 1-3, 7, 8, 17-20, 23, and 24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Mahnken et al. (U.S. Publ. No. 2004/0030640). Claims 4 and 5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mahnken in view of SafeRent Secures $4.25 Million in Convertible Debt Financing; Investment Funds Total $12 Million for 2000 (December 15, 2000), hereinafter referred to as SafeRent (December 15, 2000). Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mahnken and SafeRent (December 15, 2000) in view of Uhland (March 11, 2001). Claims 9, 11, 12, 15, and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mahnken in view of Gehrlein (1997). Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Mahnken in view of SafeRent Upgrades Applicant Screening Service With New Features and Simplified Interface; Renovation Includes New Branding and Look/Feel (March 1, 2001), hereinafter referred to as SafeRent (March 1, 2001). Reconsideration of these claims is respectfully requested.

Mahnken et al. disclose an online leasing system. In FIG. 1 thereof, a consumer 30 may connect to the online leasing system 10 over network 90 and browse through and query database 20 to find a particular space to rent. Paragraph [0030]. The consumer 30 may complete a credit application and initiate the rental application and lease process. The consumer 30 may navigate through multiple steps to complete the leasing process. A screening module 130 (FIG. 2) of server 10 allows an authenticated prospective resident (e.g., consumer) to be evaluated or scored in order to determine the suitability of the prospective resident as a tenant. Paragraph [0054]. The evaluation provided by screening module 130 may consider, among other information, the credit history for the prospective resident, employment history, education level, criminal background, and salary information. Paragraph [0055]. The information may be obtained in real-time over network 90. The information may be used by the screening module 130, or sent by the screening module 130 to an external screening company, for evaluation. One of three levels of suitability for the prospective resident may be provided – (1) approved; (2) approved with exception; and (3) denied. Paragraph [0058]. A leasing module 140 provides the ability to generate a lease agreement. Paragraph [0059]. In regards to joint applicants, each applicant must individually pass the screening test. Paragraphs [0094]-[0098].

SafeRent (December 15, 2000) discloses an on-line credit scoring model that allows property managers to make more informative decisions based on more accurate recommendations. Page 1, sixth full paragraph. The recommendation provided by the model disclosed in SafeRent (December 15, 2000) is based on a thorough analysis of the applicant's credit, payment, and rental history. Page 1, last paragraph. The system produces a statistical score designed to predict how likely an applicant is to default or leave owing damages.

Uhland discloses an on-line applicant screening service that runs a Social Security number check on the applicant, then performs a credit check and evictions record check, along with an income-to-rent ratio. A criminal record search may also be completed by the service disclosed by Uhland, for an extra fee. The system disclosed by Uhland determines a score for the applicant based on the information provided.

Gehrlein discloses a two-stage least cost credit scoring model. The credit scoring model is used for determining whether or not credit should be extended to applicants. Page 159, first paragraph under Introduction. Using a two-stage model, two credit scores are calculated. Page

162, second full paragraph. A second credit score is used only in cases where credit is denied using the first credit score. The credit scores are calculated using mathematical equations.

SafeRent (March 1, 2001) discloses on-line credit and risk management services for the apartment industry. SafeRent (March 1, 2001) discloses new features added to the system owned by the same company as disclosed in SafeRent (December 15, 2000). The new features include a more intuitive interface, enhanced reporting of statistics, a retrieve function adding the ability to recall previous transactions, and pre-employment criminal searches.

Amended Claim 1 is patentable by calling for generating a lease recommendation comprising determining a value for each of said plurality of acceptance criteria, determining a score for each of said plurality of acceptance criteria based on said value, combining said scores into one composite score for a tenant by taking a weighted average of scores for said plurality of acceptance criteria according to the expression:

$$y = \frac{\sum_{i=1}^{n} y_i \left[2p_i^2 + (y_i - 7)^2 \right]}{\sum_{i=1}^{n} \left[2p_i^2 + (y_i - 7)^2 \right]}$$

wherein i represents an index of said plurality of acceptance criteria, p_i represents an importance rating for each acceptance criteria, y_i represents a score for each acceptance criteria, and y represents said composite score, and determining said recommendation based on said composite score.

Amended Claim 18 is patentable by calling for means for generating a lease recommendation comprising determining a value for each of said plurality of acceptance criteria, determining a score for each of said plurality of acceptance criteria based on said value, combining said scores into one composite score for a tenant by taking a weighted average of scores for said plurality of acceptance criteria according to the expression:

$$y = \frac{\sum_{i=1}^{n} y_i \left[2p_i^2 + (y_i - 7)^2 \right]}{\sum_{i=1}^{n} \left[2p_i^2 + (y_i - 7)^2 \right]}$$

wherein i represents an index of said plurality of acceptance criteria, p_i represents an importance rating for each acceptance criteria, y_i represents a score for each acceptance criteria, and y

represents said composite score, and determining said recommendation based on said composite score.

Amended Claim 23 is patentable by calling for generating a lease recommendation comprising determining a value for each of said plurality of acceptance criteria, determining a score for each of said plurality of acceptance criteria based on said value, combining said scores into one composite score for a tenant by taking a weighted average of scores for said plurality of acceptance criteria according to the expression:

$$y = \frac{\sum_{i=1}^{n} y_i \left[2p_i^2 + (y_i - 7)^2 \right]}{\sum_{i=1}^{n} \left[2p_i^2 + (y_i - 7)^2 \right]}$$

wherein i represents an index of said plurality of acceptance criteria, p_i represents an importance rating for each acceptance criteria, y_i represents a score for each acceptance criteria, and y represents said composite score, and determining said recommendation based on said composite score.

With respect to amended Claims 1, 18 and 23, Mahnken et al. do not disclose determining a value for each of said plurality of acceptance criteria, determining a score for each of said plurality of acceptance criteria based on said value, combining said scores into one composite score, and determining said recommendation based on said composite score. Nor do Mahnken et al. disclose any method for determining a lease recommendation. On the contrary, and as discussed above, Mahnken et al. disclose a screening module 130 or external screening company that evaluates prospective resident information and provides one of three levels of suitability for the prospective resident – (1) approved; (2) approved with exception; and (3) denied. There is no disclosure by Mahnken et al. relating to a method of the evaluation and determination of the suitability of the prospective resident.

The inclusion of determining a lease recommendation comprising determining a value for each of said plurality of acceptance criteria, determining a score for each of said plurality of acceptance criteria based on said value, combining said scores into one composite score for a tenant by taking a weighted average of scores for said plurality of acceptance criteria according to the expression:

$$y = \frac{\sum_{i=1}^{n} y_i \left[2p_i^2 + (y_i - 7)^2 \right]}{\sum_{i=1}^{n} \left[2p_i^2 + (y_i - 7)^2 \right]}$$

wherein i represents an index of said plurality of acceptance criteria, p_i represents an importance rating for each acceptance criteria, y_i represents a score for each acceptance criteria, and y represents said composite score, and determining said recommendation based on said composite is an important feature of the method called for in Claim 1. As noted in Applicants' specification in the paragraph beginning on Page 11, line 25, once each of the plurality of acceptance criteria have been given a score, they are combined into a single score between 0 and 10 using, for example, a weighting function. The expression in Claim 1 essentially provides a weighted average. The average is weighted by a combination of how important a particular criterion is and how far away the prospective tenant's score for a particular criterion is from a standard defined by the user. In this way, any one score that is far off the standard can affect the overall score significantly. In other words, the weighted average is not merely a scaling equation to translate the score to a number between 0 and 10, but a weighted average that produces a score based at least on how important a particular criterion is and how far away the prospective tenant's score for a particular criterion is from a defined standard.

Claims 2-7, 9-12, and 17 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein. For example with respect to Claims 4-5 and contrary to the Examiner's assertion, SafeRent (December 15, 2000) does not provide any disclosure relating to parsing raw credit information into a readable scheme. SafeRent (December 15, 2000) only discloses that a statistical score is produced beyond displaying raw credit information. Regarding Claim 6, Uhland does not provide any disclosure relating to parsing raw credit information comprising removing account numbers, listing positive and negative ratings, amounts outstanding, and estimates of payments, and performing a social security check. Uhland only discloses that a statistical score is produced by melding an applicant's background information together. For example with respect to Claim 10, SafeRent (March 1, 2001) does not provide any disclosure relating to a plurality of acceptance criteria comprising a ratio of monthly gross income to rent, a minimum monthly gross income less rent and estimated debt payments, nor previous tenant history. SafeRent (March 1, 2001) only

discloses new features added to the system owned by the same company as disclosed in SafeRent (December 15, 2000). The new features include enhanced reporting of statistics. One report that may be provided by the system disclosed in SafeRent (March 1, 2001) includes an Applicant Demographic Report, which displays applicant income distribution, income to rent ratios, applicant ages, and locations or previous residences. However, there is no disclosure that such a report is used as acceptance criteria for a tenant. SafeRent (March 1, 2001) discloses that these reports are provided to executive management to help gauge the success of a property or an entire company. For example with respect to Claim 12, Gehrlein does not provide any disclosure relating to the relationship expressed in Claim 12. Gehrlein only discloses that a two-stage credit scoring model produces more accurate recommendations relating to whether credit should be extended to an applicant.

Claims 19 and 20 depend from Claim 18 and are patentable for the same reasons as Claim 18 and by reason of the additional limitations called for therein. Claim 24 depends from Claim 23 and is patentable for the same reasons as Claim 23 and by reason of the additional limitations called for therein.

New Claims 25-35 are different in scope than the claims of record and are patentable for at least the reasons provided above. Claim 35 is supported in Applicants' specification at least on Page 9, lines 22-28, wherein Applicants disclose one embodiment of a method recommending anyone scoring over "7" out of a scoring range of "0" to "10." "Other or alternative scoring values or scoring criteria may alternatively be adopted." Applicants further provide an example on Page 10, line 20-Page 11, line 19, in relation to Equation 2A, wherein the constant "c" is a maximum set by the user for a particular criteria.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

This response is being submitted on or before September 24, 2007, with the required fee of $60.00 for a one-month extension of time, making this a timely response. The Commissioner is further authorized to charge Deposit Account 04-1420 the amount of $50.00 for two additional dependent claims and $200.00 for two additional independent claims. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

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